

Preserve

App F IX 4

Previous References

1933-34
(ml)

File No 1-33

Serial Nos. 124, 13
147, 16
165 & 167

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

4/4

Part B for August 34

SUBJECT

Re damage suit in the First Plaintiff's
Court filed against the St. Srinivasamurthy

Se 167) 2

The Municipal Commissioner, Bangalore

WD 01965-GPB-15,000-7 7-34

G.O. M.L. 3648 of 22.11.34

Reverts the above proposals

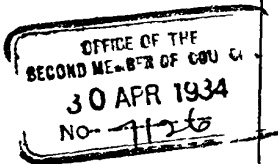
Serial
No

21 Letter no and dated 10/4/34 from Mr
B L Rayanna, Tal Bage Road, Bangalore
city, bringing to the notice of Govt, the action
taken by the mnd in having with drawn
the damage but in the 1st month of court
amount for 990000 filed against one of
the existing mnd and it should be noted

1 In the absence of the correct
records it is not possible to say whether
the action taken by the mnd is in order
or not

2 The case brought to the notice of
Govt is one affecting the municipal finances
and a report with the correct records may
if approved be called for

3 Submitted for orders re A



CHIEF
24 APR 1934

20/4/34

Chief Secy

27/4

2nd Membr 27/4/34



NOTE—Contn Sheet

Draft of mnd is submitted for approval

15/34

Issue

Issue no 7914 of 4157 mnd to mnd, forward
with report mnd records

File No.

4792 V L 5636
L

of 1933

1775233
p833

General and Revenue
Secretariat

Letter no L 20 409 / dated 1/6/34
from the Commissioner Bangalore city
forwarding the report called for

of the Law Section may be considered
as to whether the action quite ruled is in
order

of the Commissioner states that the
advocate has been requested not to
withdraw the case filed against Mr. S. M.
Vasa Murthy, pending the orders of Court.
The resolution quite ruled of 7-4-34 has been
forwarded to the advocate for withdrawing
the case

10) Submitted with reference to Para 5-

11) The resolution of the M.C. does
not contain the reason for the withdrawal
of the suit. Evidently the grounds used
by Mr. S. M. Vasa Murthy in his letter of
23/3/34 have been accepted, then

12) For favor of remarks

For favor of remarks
(For favor of remarks)
Mr. Camps

Am
20/3

13) The suits for damages alleged to
have been caused to the Municipality
by the negligence of its advocate -
The defense is a denial of this negligence -
Section 199 of the City M. Regulation empowers
the M.C. to compound or compromise in

421
Law

Serial
No

respect of any suit instituted by or against
it For such compromise no sanction of Govt
is necessary -

4) Powers of Control vested in Govt could
be exercised in case it is found that the
M.C. is entering into a collusive
compromise or that the compromise is of
a claim which is certain to succeed - The
claim of the Bangalore City Municipality
in the suit now pending against Mr
Srinivasa murthy can hardly be said to
be such a claim - In the first place it is
a suit for damages for negligence, the
burden of proving it lies on the Municipal.
Secondly an advocate cannot be held
liable merely because he did not file a suit
entrusted to him - If the advocate is a
standing counsel like the Municipal advocate,
he cannot be found ~~fault~~ fault with ~~if he~~
for not filing a suit, if such omission is
due to an honest belief that the
contemplated suit would not be main-
tainable - No advocate can be held liable
for a bonafide mistake committed by
him - In these circumstances, the claim of
the M.C. against Mr Srinivasa murthy is
certainly a doubtful claim and no objection
could be taken, if the M.C. consider it

5636
I

6775

47

File No

of 193

General and Revenue
Secretariat

• better to compromise such a claim

• 15) One point however is worth some consideration - Mr Srinivasa murthi is himself now a M'councillor - his election is the matter of a contest in the D'ct and one of the grounds urged is the existence of this suit against him. I think therefore that the M'C' would have exercised their discretion better, had they postponed ~~the~~ a consideration of Mr Srinivasa murthi's request for withdrawal till the election dispute is decided - Their action in now trying to withdraw the suit, which appears to be pending for nearly 4 years, is liable to be misconstrued. In this view, the matter may perhaps be referred back to the M'C' for reconsideration - Such action may be taken under Sec 216 of the City M' Regulation -

Best say dsg?
• with Compt

mp
8/7/34

16) Foraden

Chief Secy
1) (A) may be appd

If no mem

Am
5/7

Re

5/7/34 Am

11) 11/1/34

4.
Law

CHIEF SECRETARY

5 JULY 1934

121
677

Reg 6/7

6775733
P

L 5636

5)

General and Revenue
Secretariat

File No

1 of 1933

[App F III-2

Serial
No

20 The file may now be sent to the Law section, for
favor of noting in the point ^{replied} indicated by the
2nd member at para 18 page 3 of the note supra

SS

17/34

Law section
w/camps

Am
7/7

21 If a suit is entrusted to an advocate &
he is required to file it unless his client
advises him to the contrary, the failure to file
the suit is negligence for which the advocate
may be held liable in damages to the client.
But if the advocate proves that the suit even if
it had been filed would not have met with
success, the damages that a court may award
for the advocate's negligence would only be
nominal -

22 In the case of an advocate who stands
in the position of a legal adviser to a corporate body
like the D.C.C., the matter would be somewhat
different, since the advocate might be presumed
to ~~have to~~ file or not file a suit according as to
what he honestly believes to be in the interests
of the Corporation, unless there are any definite
rules to the contrary

LS & Br
w/camps

13/7/34

Subd

421
Law

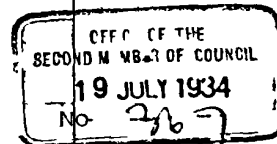
5636

5621

of 193 3-34 General and Revenue Secretariat

II member)

Am
1917



For

21/7

Doc. 1000 Page 4

Draft

Submitted with a draft for approval

83
24/7/34 14/4/7

Wine as noted
the 29/7

James Mt 785 21/8/34 To Mr. C. B. Craig
request him to place the matter before the meet
for its recon. decision after the election held &
disposed of by the Dir. Insp. -

167



Letter No 46-16/24-35 dated 25-10-54 from
the Municipal Commissioner, Bangalore City forwarding
the resolution of the Municipal Council declining to
reconsider its previous resolution

~~The election petition filed by Mr. Byanna does not seem~~ It is not known whether the election petition filed by Mr. Byanna has been disposed of and if so, note what result. ^{The election petition does not seem to have been disposed of} (Under linked file) It is not also clear how the subject ~~came~~ was considered by the Municipal Council before the petition was disposed of, Contrary to the instructions issued in 2161.

Reverts the coverboard...

File No

of 193

General and Revenue
Secretariat

App F G 9]

L 7914 /

Mr 1-33-137

8 4-5-34 Encl. one

GOVT OF H H THE MAHARAJA
OF MYSORE

GEN & REV SECRETARIAT

OFFICIAL MEMORANDUM

No

The accompanying Petition Registered
No ~~Sub~~ 4722 dated 10/4/34.¹
received at the General and Revenue
Secretariat from Mr B L Pyani
Lalbagh Road, Bangalore
bringing to the notice
Govt, the action taken
the met in having
withdrawn the damages
sent in the 1st miscellaneous
for Rs 9901-000 filed against
one of the existing contractors
Mr H Srinivasa Murthy
is forwarded together with its ~~enclosures~~ ^{complement}
to the ~~Director~~ Bangalore
City (Mrs President) for the
favor of ~~submitting~~ ^{the} a very early
report together the connected
records

By Order,

[Signature] Secretary to Govt
BANGALORE
19 }
2 }

[P T O

ಆರ್ಜಿಫಾರ್

ತಾಲ್ಲೂಕು

ಹೋಬಳಿ

ಗ್ರಾಮದಲ್ಲಿರುವ

ಇಂಡಸ್ಟ್ರಿ ಹುಕು

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿ ನಕ್ಷಾ ಡ

ಮಾರ್ಕು ಮಿನ ಆರ್ಜಿಫಾರ್ಸ್ನು

ಬಗ್ಗೆ

ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

ಬಿ ಗಳಿಸರು

By Order

Secretary

M 1-33-147

CITY MUNICIPAL OFFICE

Bangalore City Dated 1st June 1934

No 4 To 409/one file

FROM

P H KRISHNA RAU ESQ MA

MUNICIPAL COMMISSIONER

Bangalore City

5636

R Ranga Rao, Esq, B A, B L,

Chief Secretary to the Government of Mysore,

B a n g a l o r e

Sir,

With reference to your official memorandum No L 7914 M 1-33-137 dated 4th May 1934 forwarding for report with the connected records the petition of Mr B L Byanna about the action of the Municipal Council in having withdrawn a suit against Mr H Sreenivasa Murthy one of the sitting Councillors, I have the honour to forward herewith the records and to state that flags C I & E Viz the Plaint, the written statement of the Defendant and the reply set forth the facts of the case While the case is still under disposal Mr Sreenivasa Murthy in his letter dated 2nd March 1934 "Flag F" prayed for the withdrawl of the case and the Council in their meeting dated 7th April 1934 unanimously resolved on the motion of Mr C Hayavadana Rao seconded by Mr O S Nasrulla Sheriff, to withdraw the plaint The Office note in the matter of filing the suit is flagged "A" and the opinion of the Municipal Advocate at the time is flagged "B"

2 The Municipal Advocate has been requested not to withdraw the case filed against Mr Sreenivasa Murthy pending the orders of Government on the records forwarded herewith.

I have the honour to be,

S i r,

Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

Honorary President

DRR

Appendix C-1]

SUBJECT "

Diary No of letter replied to L 5626

General and Revenue Secretariat
(ml)
the 193

Date of issue 1-8-34

Signed by M. A. S. Rao

List of enclosures

State that Mr. Srinivasa Murthy is
himself now a P. L. Councillor
this election is the matter of

Copied by Cadet in the Dr. Cant. one of the
hands lodged in the election
being the existence of the suit
against them the P. L. C. would
have done well if they had

Examined by a proposed ~~examining~~
Mr. Srinivasa Murthy request
for withdrawal of the suit till
the election result was decided
I am accordingly to

Section ml

File No 1-33

Serial No 161

No L 785 Enl Recd

To

The Municipal Commis
Bangalore city
(M. Srinivas)

Sir

With reference to your letter
no G 20 409 dated 1st June 1934
forwarding the report on the behalf
of Mr. B. L. Rayanna about the
action of the ml in having
withdrawn a suit against the
H. Srinivasa Murthy one of the sitting
councillors, I am directed to ^{reply} ~~repl~~
^{replied herewith} ~~replied~~
~~however~~ the connected records are
with a request that the ^{matter} ~~same~~ may
be placed before ml for its re-

P. To

reconsideration after the election from
refused to is disturbed by the is required
the ~~same~~ leads are returned I have the

pm
9/17
for chief Lee, to Gave
AM ~~PS~~

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 2985/201-33-161

Bangalore Dated 31-8-1934

Encl. Recd.

From

R. Ranga Rao, Esquire, B.A., B.L.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore

To

M. Seshadri, Esquire, M.A.,
Municipal Commissioner, Bangalore City

Sir

THROUGH THE PRESIDENT, CITY MUNICIPAL COUNCIL, BANGALORE

With reference to your letter No. G To 409 dated the 1st June 1934, forwarding ^α the report on the petition of Mr. B. L. Byanna about the action of the Municipal Council in having withdrawn a suit against Mr. H. Srinivasa Murthi, one of the sitting Councillors, I am directed to state that as Mr. Srinivasa Murthi is himself now a Municipal Councillor and his election is the matter of contest in the District Court, one of the grounds urged in the election ^{petition} being the existence of the suit against him, the Municipal Council would have done well if they had postponed consideration of Mr. Srinivasa Murthi's request for withdrawal of the suit till the election dispute was decided. I am accordingly to request that the matter may be placed before the Municipal Council for its reconsideration after the election petition referred to is disposed of by the District Judge.

The records are returned

I have the honor to be,
Sir,
Your most obedient servant,

Asulevarao

Ja Chief Secretary to Government

P. H.

me 9-33-165

1812

City Municipal Office

Bangalore, Dat d 25th Oct 1934

No 06-16/34-35

L S G

From
2/11/34

M Seshadri, Esq , M A ,
Municipal Commissioner
Bangalore City

SEC

1834

To

Rajasevasaktha
R Ranga Rao, Esq , B A , B L ,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore
Bangalore

5636

Sir

Ref - Withdrawal of O S No 339 of 30-31 against
Mr H Srinivasa Murthy B A , LL B , Municipal
Councillor

--

With reference to your letter No L 785/M 1-33-161

dated 1st August 1934 and in continuation of this office

Op 30
by S. S.
initial file

D O No 06-16 dated 3rd August 1934 I have the honor to
state that the matter was placed before the Municipal Coun-
cil at their meeting held on 6th October 1934 I am enclos-
ing a copy of the Council resolution for favour of perusal
and orders of Government

I have the honor to be,
Sir
Your most obedient servant,

ss

Forwarded with compliments

Hon President

M Seshadri
Municipal Commissioner

Proceedings of an ordinary general meeting of the City Municipal Council, Bangalore, held on Saturday the 6th October 1934 at 12 noon in the Council Chamber of the City Municipal office, Bangalore

Present - B K. Garudachar, Esq.,
President.

Councillors -

Messrs	1	R. Venkataswami	Messrs.	19	S. Sitaramaiah
	2	W. H. Hanumanthappa		20	S. F. Venkataranga
	3	B. Kempanna			Iyengar
	4	S. V. Srinivasa Setty		21	T. S. Raghavachar
	5	K. T. Bhashayya Iyengar		22	M. Chinsami
	6	Ramlal Thivari		23	P. Subbarama Chetty
	7	K. S. Kamaswami Setty		24	O. S. Kazarulla
	8	B. S. Sankarappa Setty			Sheriff
	9	V. B. L. Narayan		25	B. Abdur Rahman
	10	T. H. Venkataramanappa		26	Azizuddin Mehkri
	11	D. Venkataramanappa		27	J. A. Isaac
	12	H. Muniswappa		28	S. Yelleppa
	13	H. Srinivasamurthy			Absent
	14	C. N. Narasinga Rao			1 Mr Mir Iqbal
	15	D. Hopalakrishna Rao			Hussain.
	16	C. Piyavada Rao			
	17	C. M. Garudachar			
	18	M. P. Somasekhara Rao			

No 11

Office memo in the matter of withdrawal of O S No 329 of 30-31 against Mr H Srinivasamurthy B A LLB ,

Mr C N Narasinga Rao proposed that in view of the fact that the Municipal Council came to the decision to withdraw the case after considering all the aspects of the case and is of the opinion that the legal position at the date of the petition in the election petition will not be altered by the withdrawal of the case, this Council adheres to its previous resolution and regrets its inability to stop the report ing to the court of the resolution already arrived at in the Council

Mr M Chinsami seconded it Put to vote and carried 10 voting 'for' and none 'against'

Sd/ B K Garudachar
Hon President

Copy

ss

Municipal Commissioner

Office of the Municipal Commissioner

Dated, Bangalore 19 November 1934

From

M Seshadri, Esq. , M A ,

Municipal Commissioner,

Bangalore City

To

Rajasevasakta

R Ranga Rao, Esq. , B A B L ,

Chief Secretary to Government,
B a n g a l o r e

Sir,

In continuation of this Office letter No C6-16/34-35 dated 25th October 1934 in the matter of the withdrawal of O S No 339 of 30-31 against Mr H Srenivasa Murthy B A , LL B , Municipal Councillor, I have the honor to state that the Municipal Advocate has stated that the Court has been pleased to grant another adjournment to 29th November 1934 as a last chance and if the case is not withdrawn by the Municipality within the date of hearing, the Court is likely to proceed with the case and pass orders on the petition of the defendant. The Court has up till now granted a number of adjournments and it is not possible to get another adjournment.

Under the circumstances I request you to kindly obtain orders of Government, as already requested, before the date of the next hearing.

I have the honor to be,
Sir,
Your most obedient servant,

M Seshadri
Municipal Commissioner

FORWARDED WITH COMPLIMENTS

mf
HONORARY PRESIDENT

*st 507/289
bribe complaint
21/11/34*

*Alleged
21/11*

Orders have already issued in

the matter regarding the correspondence

*1 Rom
27/11
27/11/34*

*may be placed
in the Council file
30/11*

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 193

Date of issue

193

Signed by

Mr A S Roy

May this be—

- (i) printed ?
- (i) treated as a standing order ?
- (iii) published in the Gazette
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette
Kannada Part ?

was 1/4

Section Ml
File No 1-33

Serial No 167

Proceedings of the Government of
His Highness the Maharaja of Mysore

Read—

Correspondence ending with

Letter No C6-16/34-35 dated 25-10-34

from the Municipal Commissioner,

Bangalore City, forwarding the

resolution of the Municipal Council

for the withdrawal of the suit

filed by them in the I Munsiff's

Court, Bangalore, against one of the

existing councillors Mr H

Srinivasamurthy, who was the

Municipal Advocate during the

previous term of the Municipal Council

for damages alleged to have been

caused to the Municipality by

his negligence as Municipal

Advertise

and No 3648 8/22/11

Revised

Am
8/21/11

To chief Secy Wgt

Rmr

To the Municipal Commissioner, Bangalore city
(through the President)

List of Enclosure

Copied by

Examined by

E. Thar

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read -

Correspondence ending with letter No C6-16/34-35 dated 25th October 1934 from the Municipal Commissioner, Bangalore City, forwarding the resolution of the Municipal Council for the withdrawal of the suit filed by them in the District Court, Bangalore, against one of the existing Councillors Mr R Srinivasamurthy, who was the Municipal Advocate during the previous term of the Municipal Council for damages alleged to have been caused to the Municipality by his negligence as Municipal Advocate

Order No. *L3648/mel i-33-167*

Dated Bangalore 22nd November 1934

R E C O R D E D

Asubudra
For Chief Secretary to Government
Rmr

To

The Municipal Commissioner, Bangalore City
(through the President, Bangalore City Municipal Council)